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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,386	10/03/2003	Koji Omae	243518US90	9629
22850	7590	08/13/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, LLP 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER VO, NGUYEN THANH	
			ART UNIT	PAPER NUMBER
			2618	
			NOTIFICATION DATE	DELIVERY MODE
			08/13/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/677,386	Applicant(s) OMAE ET AL.	
	Examiner NGUYEN VO	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naghian (US 2005/0153725) in view of Carolan (US 7,027,432) and Gailey (US 2003/0065749).

As to claim 12, Naghian discloses a transfer device 125 (see figure 1; see also paragraph [0111]) in a mobile communication system including a first access network provided by a first communications carrier (see network 110; see also paragraphs [0030], [0061]-[0064]), a mobile terminal MN authorized to communicate data by the first communications carrier (see paragraph [0108]), and a second access network provided

Art Unit: 2618

by a second communications carrier (see paragraphs [0030], [0061]-[0064]), the transfer device 125 controlled by the first communications carrier (see figure 1 which shows that the transfer device 125 is part of the first system 110), comprising a communication unit configured to receive packets addressed to the mobile terminal MN connected to an access router controlled by the second communications carrier in the second access network (see paragraph [0111]). The transfer device 125 transfers the packets received by the communications unit to the mobile terminal connected to the access router arranged by the second communications carrier in the second access network (see paragraph [0111]). Naghian fails to disclose a terminal information storage unit configured to store terminal information unique to the mobile terminals allowed to use the packet transfer; and a determination unit configured to determine whether information concerning the mobile terminal included in the packet received by the communication unit coincides with the terminal information stored in the data storage unit, and thereby to determine whether or not to transfer the packets. Carolan discloses a transfer device (see the router 130 in figure 1) comprising a terminal information storage unit configured to store terminal information unique to the mobile terminal allowed to use the packet transfer; and a determination unit configured to determine whether information concerning the mobile terminal included in the packet received by the communication unit coincides with the terminal information stored in the data storage unit, and thereby to determine whether or not to transfer the packets (see column 4 line 31 to column 5 line 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of

Carolan to Naghian, in order to ensure packets from a network access device will go to the appropriate service network (as suggested by Carolan at column 4 lines 38-48).

Still as to claim 12, Naghian does disclose that the first and second communication local area networks (LAN) have different architectures and protocols (see paragraph [0117]). Therefore, those skilled in the art would have recognized that the first and second local area networks in Naghian could be managed by different communications carriers as claimed. In addition, Gailey discloses transfer devices 26 (see figure 1) for transferring packets between a first local area network 16 and a second area network 18, wherein the first and second local area networks are managed by different communications carriers (see paragraph [0017]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Gailey to the combination of Naghian and Carolan, in order to expand the coverage areas of Naghian's networking.

As to claim 16, it is rejected for similar reasons as set forth in claim 12 above.

Response to Arguments

4. Applicant's arguments with respect to claims 12 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that "Naghian now applied as the primary reference is cited to disclose a first access network 110 and a second access network 120. Applicants submit Naghian differs from the claims as written as Naghian does not disclose nor suggest that the noted first access network 110 is managed by a different communications carrier than the second access network 120. Naghian appears to

disclose both of the networks 110 and 120 are controlled by a same operator. Naghian specifically discloses the use of a radio access network (RAN) 110, but Naghian appears to indicate the routers 125A-125C of that RAN 110 are managed by an operator of the AAA server 190 (see Naghian at paragraph [0109]. Naghian also appears to indicate the same operator of the AAA server 190 controls the core network 120, see Naghian at paragraphs [0111]-[0114]. That is, in Naghian both of the radio access network (RAN) 110 and the core network 120 are assumed to be managed by the same operator or communications carrier". See pages 6-7 of applicant's response.

Examiner, however, disagrees. Access network 120 is not interpreted by examiner as "a second access network" as claimed. Applicant's attention is directed to paragraphs [0030], [0061]-[0064] and [0117] for the claimed "a second access network". In addition, Gailey (US 2003/0065749) is now being relied on for the teaching of managing first and second access networks by different communications carriers as claimed.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGUYEN VO whose telephone number is (571)272-7901. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nguyen Vo/
Primary Examiner, Art Unit 2618